

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

7 GATES, LLC,

Plaintiff,

v.

BERKSHIRE HATHAWAY GUARD INS.
JOHN DOES 1-10 (Fictitious persons their true
identities being unknown), JANE DOES 1-10
(Fictitious persons their true Identities being
unknown), ABC CORPORATIONS 1-10
(Fictitious entities their true identities being
(unknown), ABC INSURANCE COMPANIES
1-10 (Fictitious entities their true identities
being Unknown)

Defendants.

Civil Action No.: _____

Removed from:

Superior Court of New Jersey
Law Division – Bergen County

Docket No.: BER-L-004524-24

NOTICE OF REMOVAL

TO: Clerk of the Court
United States District Court
District of New Jersey
Martin Luther King Building & U.S. Courthouse
50 Walnut Street
Newark, New Jersey 07102

Spencer B. Robbins, Esq.
ROBBINS AND ROBBINS, LLP
568 Amboy Avenue
Woodbridge, New Jersey 07095
(732) 636-1600
Attorneys for Plaintiff

PLEASE TAKE NOTICE THAT pursuant to 28 U.S.C. §§ 1332, 1441 and 1446, Defendant AmGUARD Insurance Company (improperly pled as Berkshire Hathaway GUARD Ins. and hereinafter “AmGUARD”), by its undersigned attorneys, Finazzo Cossolini O’Leary Meola & Hager, LLC, hereby removes the above-captioned civil action, and all claims and causes

of action therein, from the Superior Court of New Jersey, Law Division, Bergen County Courthouse, 10 Main Street, Hackensack, New Jersey, to the United States District Court for the District of New Jersey. The grounds for removal are as follows:

1. Plaintiff commenced an action seeking damages against AmGUARD in the Superior Court of New Jersey, Law Division, Bergen County, by filing a Complaint on August 5, 2024. True and complete copies of all process, pleadings, and orders received by AmGUARD in the state court action, consisting at this time of the Complaint, Civil Action Summons, Track Assignment Notice, and Affidavit of Service, are attached hereto as **Exhibit A**.

2. Service of the Summons and Complaint was effectuated on AmGUARD on August 12, 2024.

3. Accordingly, this Notice of Removal is timely pursuant to 28 U.S.C. § 1446 because it is filed within 30 days after receipt by AmGUARD, through service or otherwise, of a copy of the initial pleading setting forth the claim for relief upon which the action or proceeding is based.

4. This action is a civil action of which this Court has original jurisdiction under 28 U.S.C. § 1332, and is one which may be removed to this Court by AmGUARD pursuant to the provisions of 28 U.S.C. § 1441, in that it is a civil action between citizens of different states and the matter in controversy exceeds the sum of \$75,000.00, exclusive of interest and costs.

5. This first-party insurance coverage dispute arises from claimed damage to real property located at 89 [sic] U.S. Highway 46 W, Lodi, New Jersey 07644 (the “Property”) for which Plaintiff seeks coverage under the policy issued to Plaintiff by Defendant. *See* Exh. A, Complaint, ¶¶ 2, 4. According to Plaintiff’s Complaint, Plaintiff is a limited liability company organized and existing under and by virtue of the laws of the State of New Jersey, with its principal

place of business located at 89 U.S. Highway 46 W, Lodi, New Jersey 07644. *See* Exh. A, Complaint, ¶ 2. Upon information and belief, Plaintiff's members consist of the following: Francisco Dillon, whose true, fixed and permanent home and place of habitation is located at 871 Turquoise Trail, Morganville, New Jersey 07751. Accordingly, for the purposes of diversity jurisdiction, Plaintiff is a citizen of the State of New Jersey.

6. AmGUARD is a stock company organized and existing under the laws of the State of Nebraska, with its principal place of business in Wilkes-Barre, Pennsylvania. *See* Exh. A, Complaint, ¶ 3. Accordingly, for the purposes of diversity jurisdiction, AmGUARD is a citizen of the State of Nebraska and the Commonwealth of Pennsylvania.

7. Accordingly, there is complete diversity of citizenship between the parties, thereby satisfying the diversity of citizenship requirement of 28 U.S.C. § 1332.

8. As set forth in Paragraph 6 of Plaintiff's Complaint, Plaintiff seeks damages against AmGUARD in excess of \$90,000.00, exclusive of interests and costs.

9. Accordingly, Plaintiff's damages claim exceeds the sum of \$75,000.00, exclusive of interest and costs, thereby satisfying the amount in controversy requirement of 28 U.S.C. § 1332.

10. AmGUARD will promptly serve a copy of this Notice of Removal on counsel for Plaintiff, and will file a copy of this Notice of Removal with the Clerk of the Superior Court of New Jersey, Bergen County, pursuant to 28 U.S.C. § 1446(d).

WHEREFORE, Defendant AmGUARD Insurance Company, under 28 U.S.C. §§ 1332, 1441 and 1446, removes this action in its entirety from the Superior Court of New Jersey, Law Division, Bergen County, to the United States District Court for the District of New Jersey.

Dated: September 10, 2024

**FINAZZO COSSOLINI O'LEARY
MEOLA & HAGER, LLC**

By: /s/ Robert M. Wolf

ROBERT M. WOLF, ESQ.
67 East Park Place, Suite 901
Morristown, New Jersey 07960
(973) 343-4960

robert.wolf@finazzolaw.com

Attorneys for Defendant

AmGUARD Insurance Company

*(improperly pled as Berkshire Hathaway
GUARD Ins.)*

CERTIFICATION PURSUANT TO L. CIV. R. 11.2

I certify that the subject matter now before this Court is not part of any other action pending in any Court or of any pending arbitration or administrative proceeding, except the Bergen County Superior Court Law Division upon which this removal application is based (BER-L-004524-24).

Dated: September 10, 2024

**FINAZZO COSSOLINI O'LEARY
MEOLA & HAGER, LLC**

By: /s/ Robert M. Wolf

ROBERT M. WOLF, ESQ.

67 East Park Place, Suite 901

Morristown, New Jersey 07960

(973) 343-4960

robert.wolf@finazzolaw.com

Attorneys for Defendant

AmGUARD Insurance Company

(improperly pled as Berkshire Hathaway

GUARD Ins.)

CERTIFICATE OF SERVICE

I hereby certify that on the 10th day of September 2024, I electronically filed the enclosed Notice of Removal and attached exhibits through the Court's CM/ECF filing system, and one copy of Defendant AmGUARD Insurance Company's Notice of Removal, and attached exhibits, and Certificate of Service, was sent via e-mail to the following counsel of record:

Spencer B. Robbins, Esq.
ROBBINS AND ROBBINS, LLP
568 Amboy Avenue
Woodbridge, New Jersey 07095
(732) 636-1600
lawoffices@robbinsandrobbinsllp.com
shannon@robbinsandrobbinsllp.com
Attorneys for Plaintiff

/s/ Robert M. Wolf
ROBERT M. WOLF, ESQ.